

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY OH and DEAN DaSUTA,

Plaintiffs,

- against -

**IMAGEMARK, INC., BERNARD MARDEN, JAMES
MARDEN, BRUCE ROSS, FRANK BISCONTI, and
THOM DEAN,**

Defendants.

**AFFIRMATION OF
JAMES W. WELLER IN
SUPPORT OF DEFENDANT'S
MOTION TO DISMISS**

Case No: 06-CV-10187
(DLC)

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

James W. Weller, an attorney at law duly admitted to practice before the courts
of this State, affirms the following under penalty of perjury.

1. I am counsel to defendants, Imagemark, Inc. Bernard Marden, James
Marden, Bruce Ross, Frank Bisconti, and Thom Dean in the above-referenced action. I
submit this affirmation in support of defendant's motion to dismiss, pursuant to Fed. R.
Civ. P. 12(b)(6) and 9(b).

2. Attached herewith as Exhibit "A" is a copy of the Complaint in this
action.

Dated: Jericho, New York
January 16, 2007

Nixon Peabody LLP

By: _____/s/
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